

PATENT
4514.1US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Logtenberg et al.

Serial No.: To be assigned

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PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend the above identified patent application as follows:

IN THE CLAIMS:

Please cancel claims 33, 34, 36, and 46 through 49 without prejudice or disclaimer.

1042380-98E04660

4. (Amended) The process according to claim 1, further comprising the steps of:

- recovering said individual binding molecule which binds to said disease associated molecular marker; and
- characterizing said individual binding molecule.

8. (Amended) The process according to claim 1, wherein said sorting is performed using a molecule that preferentially interacts with said diseased cells as compared to said non-diseased cells.

9. (Amended) The process according to claim 1, wherein said sorting is performed with a molecule that preferentially interacts with said non-diseased cells as compared to said diseased cells.

10. (Amended) The process according to claim 1, wherein said library of binding molecules is a phage antibody display library.

12. (Amended) The process according to claim 1, wherein said sorting is conducted using a fluorescence activated cell sorter.

13. (Amended) The process according to claim 1, wherein said parameters are fluorescence based parameters.

14. (Amended) The process according to claim 1, wherein said diseased cells are present in a cell population derived from a mammalian species suffering from cancer, diabetes, Alzheimer's disease, multiple sclerosis, rheumatoid arthritis, inflammatory disease or viral infections.

15. (Amended) The process according to claim 1, wherein said diseased cells are tumor cells.

17. (Amended) A disease associated molecular marker produced by the process according to claim 1.

18. (Amended) A binding molecule produced by a process according to claim 1.

25. (Amended) The binding molecule of claim 18, capable of binding to a multiple myeloma cell.

26. (Amended) The binding molecule of claim 21, wherein said CD46 protein comprises human CD46 protein.

27.(Amended) The binding molecule of claim 18, wherein said binding molecule is an antibody or part or derivative thereof having the binding activity of an antibody.

29. (Amended) The binding molecule of claim 18, further comprising a tag associated with said binding molecule.

31. (Amended) A method for treating a subject suffering from, or at risk of suffering from, a disease, said method comprising:

administering to said subject a therapeutically acceptable amount of the binding molecule of claim 18.

35. (Amended) A method for typing a cell, said method comprising:

determining whether the cell specifically binds the binding molecule of claim 18.

37. (Amended) A nucleic acid encoding a binding molecule of claim 18.

40. (Amended) The cell of claim 38, wherein said cell is a human cell.

41. (Amended) The cell of claim 38, said cell further comprising:

means for the conditional expression of a nucleic acid of interest.

Remarks

The application is to be amended without prejudice or disclaimer as previously set forth, which should not be viewed as narrowing or limiting the claims. The amendments are sought to conform the application to a form more consistent with Office practice by removing multiple dependencies. It is respectfully submitted that no new matter has been added by the amendments. Should the Office determine that additional issues remain, which might be resolved by a telephone conference, it is respectfully invited to contact applicants' undersigned attorney.

Respectfully Submitted,



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Enclosure: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

4. (Amended) The process according to [any one of claims 1-3]claim 1, further comprising the steps of:

- recovering said individual binding molecule which binds to said disease associated molecular marker; and
- characterizing said individual binding molecule.

8. (Amended) The process according to [any one of claims 1-7]claim 1, wherein said sorting is performed using a molecule that preferentially interacts with said diseased cells as compared to said non-diseased cells.

9. (Amended) The process according to [any one of claims 1-8]claim 1, wherein said sorting is performed with a molecule that preferentially interacts with said non-diseased cells as compared to said diseased cells.

10. (Amended) The process according to [any one of claims 1-9]claim 1, wherein said library of binding molecules is a phage antibody display library.

12. (Amended) The process according to [any one of claims 1-11]claim 1, wherein said sorting is conducted using a fluorescence activated cell sorter.

13. (Amended) The process according to [any one of claims 1-12]claim 1, wherein said parameters are fluorescence based parameters.

14. (Amended) The process according to [any one of claims 1-13]claim 1, wherein said diseased cells are present in a cell population derived from a mammalian species suffering from cancer, diabetes, Alzheimer's disease, multiple sclerosis, rheumatoid arthritis, inflammatory disease or viral infections.

15. (Amended) The process according to [any one of claims 1-14]claim 1, wherein said diseased cells are tumor cells.

17. (Amended) A disease associated molecular marker produced by the process according to [any one of claims 1-16]claim 1.

18. (Amended) A binding molecule produced by a process according to [any one of claims 1-16]claim 1.

25. (Amended) The binding molecule of [any one of claims 18-24]claim 18, capable of binding to a multiple myeloma cell.

26. (Amended) The binding molecule of [any one of claims 21-25]claim 21, wherein said CD46 protein comprises human CD46 protein.

27.(Amended) The binding molecule of [any one of claims 18-26]claim 18, wherein said binding molecule is an antibody or part or derivative thereof having the binding activity of an antibody.

29. (Amended) The binding molecule of [any one of claims 18-28]claim 18, further comprising a tag associated with said binding molecule.

31. (Amended) A method for treating a subject suffering from, or at risk of suffering from, a disease, said method comprising:

administering to said subject a therapeutically acceptable amount of the binding molecule of [any one of claims 18-30]claim 18.

35. (Amended) A method for typing a cell, said method comprising:

determining whether the cell specifically binds the binding molecule of [any one of claims 18-30]claim 18.

37. (Amended) A nucleic acid encoding a binding molecule[, or a part thereof, according to any one of claims 18-30]of claim 18.

40. (Amended) The cell of claim 38 [or claim 39], wherein said cell is a human cell.

41. (Amended) The cell of [any one of claims 38-40]claim 38, said cell further comprising: means for the conditional expression of a nucleic acid of interest.

43. (Amended) The cell of [any one of claims 38-42]claim 38, wherein said cell comprises a nucleic acid encoding an early protein of adenovirus or a functional part, derivative and/or analogue thereof.

45. (Amended) The cell of claim 43 [or claim 44], said cell further comprising: adenovirus E2A or a functional part, derivative and/or analogue thereof.